

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

United States District Court
Southern District of Texas
FILED

OCT 09 2019

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

CLAUDIA HARO

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§

Criminal No.

M-19-1992

SEALED INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment, unless otherwise stated:

INTRODUCTORY ALLEGATIONS

A. The Federal Health Care Benefit Programs

1. The Medicare Program ("Medicare") was a federal health care benefit program, affecting commerce, which provided benefits to individuals who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services, a federal agency under the United States Department of Health and Human Services.

2. The Texas Medical Assistance Program ("Medicaid") was a federal and state health care benefit program. Medicaid was administered by the Texas Health and Human Services Commission and the United States Department of Health and Human Services.

3. Medicare and Medicaid were health care benefit programs as defined by Title 18, United States Code, Section 24(b), and Federal health care programs as defined by Title 42, United States Code, Section 1320a-7b(f).

B. Entities and Individuals

4. An individual identified herein as “E.P.” owned, operated, and controlled a number of entities enrolled in the Medicare and Medicaid programs, including but not limited to: A New Hope Health Care, Inc.; Una Nueva Esperanza Adult Day Care, Inc.; Golden Angels of Hope Health Care, Inc.; and El Rosario Adult Day Care, Inc. (collectively the “E.P. Entities”). The E.P. Entities, which did business in and around Hidalgo County, Texas, were engaged in providing health-care-related services and products, such as home health, durable medical equipment, and adult day care facilities, primarily directed to Medicare and Medicaid beneficiaries.

5. Defendant **CLAUDIA HARO** was a resident of Hidalgo County, Texas.

6. From in or around 2010 through in or around 2017, **CLAUDIA HARO** was an employee of one or more of the E.P. Entities.

COUNT 1

CONSPIRACY TO OFFER OR PAY ILLEGAL REMUNERATIONS
(18 U.S.C. § 371 and 42 U.S.C. § 1320a-7b(b)(2))

7. From in or about 2011 through in or about September 2016, the exact dates being unknown to the Grand Jury, within the Southern District of Texas and elsewhere, Defendant **CLAUDIA HARO** did knowingly and willfully combine, conspire, confederate and agree with others, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is, to violate Title 42, United States Code, Section 1320a-7b(b)(2), by knowingly and willfully offering and paying remuneration, specifically, kickbacks and bribes, directly and indirectly, overtly and covertly, in return for referring individuals for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole or in part by a Federal health care program; and for the purchasing, leasing, ordering, and arranging for and

recommending the purchasing, leasing, and ordering of any good, item, and service for which payment may be made in whole or in part by a Federal healthcare program.

Purpose of the Conspiracy

8. It was a purpose of the conspiracy for the defendant **CLAUDIA HARO** and her co-conspirators to unlawfully enrich themselves by offering and paying kickbacks and bribes in exchange for the referral of Medicare and Medicaid beneficiaries for whom one or more of the E.P. Entities submitted claims to Medicare and Medicaid.

The Manner and Means of the Conspiracy

9. The manner and means by which the defendant and her co-conspirators sought to accomplish the objects of the conspiracy included, but were not limited to, the following:

- a. Defendant and her co-conspirators would provide physicians and other medical practitioners with access to patients at adult day care facilities in return for certifying beneficiaries for services and supplies for which the E.P. Entities would submit claims to Medicare and Medicaid.
- b. Defendant and her co-conspirators paid individuals in return for the referral of patients to E.P. Entities for the provision of services and supplies for which the E.P. Entities would submit claims to Medicare and Medicaid.
- c. Defendant and her co-conspirators paid cash to physicians in exchange for the physician's certification of beneficiaries for services and supplies for which the E.P. Entities would submit claims to Medicare and Medicaid.
- d. Defendant and her co-conspirators paid remuneration to physicians, in cash and in kind, in exchange for the physician's certification of beneficiaries for services and supplies for which the E.P. Entities would submit claims to Medicare and Medicaid.

Overt Acts

10. In furtherance of the conspiracy, and to accomplish its object and purpose, **CLAUDIA HARO** and her co-conspirators committed and caused to be committed, in the Southern District of Texas and elsewhere, the following overt acts:

- a. From in or around January 2011 to in or around August 2013, Physician E.M. was provided with access to patients at adult day care facilities in return for certifying Medicare and Medicaid beneficiaries for services and supplies through one or more of the E.P. Entities.
- b. **CLAUDIA HARO**, in coordination with others, including her co-conspirators, facilitated the certification of Medicare and Medicaid beneficiaries by Physician E.M. for the provision of services and supplies through one or more of the E.P. Entities.
- c. In or around May 2013, an employee of Physician E.M. was paid \$2,500 to cause Physician E.M. to certify Medicare beneficiaries for services through one or more of the E.P. Entities.
- d. In or around July 2013, an employee of Physician E.M. was paid \$2,500 to cause Physician E.M. to certify Medicare beneficiaries for services through one or more of the E.P. Entities.
- e. From in or around 2013 to in or around 2016, Physician P.G. was paid amounts ranging from \$1,500 to \$3,000 per month to certify beneficiaries for the provision of services and supplies through one or more of the E.P. Entities.

- f. From in or around 2013 to in or around 2016, **CLAUDIA HARO**, in coordination with others, including her co-conspirators, delivered cash payments to Physician P.G. in return for Physician P.G.'s signature on documents certifying Medicare and Medicaid beneficiaries for the provision of services and supplies through one or more of the E.P. Entities.
- g. In or around 2015, Individual A.A. was paid approximately \$350 for each Medicare beneficiary referred for the provision of services and supplies by an E.P. Entity.
- h. In or around 2015, **CLAUDIA HARO**, in coordination with others, including her co-conspirators, delivered payments of \$350 to A.A. in return for each Medicare beneficiary referred for the provision of services and supplies by an E.P. Entity.

In violation of Title 18, United States Code, Section 371 and Title 42, United States Code, Sections 1320a-7b(b)(2)

COUNT 2
False Statement
(18 U.S.C. §§ 1001(a)(2))

11. On or about May 4, 2017, within the Southern District of Texas and elsewhere, defendant **CLAUDIA HARO** did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency within the executive branch of the United States, in that the defendant, in response to questions posed to her by agents of the Federal Bureau of Investigation, stated that she never personally paid kickbacks to anyone on behalf of E.P.

12. As defendant **CLAUDIA HARO** then and there well knew when she made it, this statement was false in that **CLAUDIA HARO** did pay kickbacks to individuals on behalf of E.P.

In violation of Title 18, United States Code, Sections 1001(a)(2).

NOTICE OF FORFEITURE

18 U.S.C. § 982(a)(7)

1. Upon conviction of a conspiracy to violate Title 42, United States Code, Section 1320a-7b(b)(2), in violation of Title 18, United States Code, Section 371, as set forth in Count One of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any property, real or personal, which constitutes or is derived from gross proceeds traceable to the offense, as a result of such violation.

Money Judgment and Substitute Assets


2. Defendant is notified that a money judgment may be imposed equal to the total value of the property subject to forfeiture.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

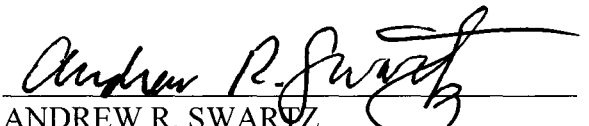
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL



FOREPERSON OF THE GRAND JURY

RYAN PATRICK
UNITED STATES ATTORNEY



ANDREW R. SWARTZ
ASSISTANT UNITED STATES ATTORNEY



CYNTHIA VILLANUEVA
ASSISTANT UNITED STATES ATTORNEY